

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PCT

In re the application of:

Confirmation No. 4454

Matti KORPELA et al.

U.S. Serial Number: 10/576,298

Entered U.S. National Stage: April 19, 2006

International Application No. PCT/IB04/03432

I.A. Filing Date: October 20, 2004

Dkt. No. : PIR-124

Cust. No. : 20374

**RESPONSE TO AND REQUEST FOR WITHDRAWAL OF
NOTIFICATION OF DEFECTIVE RESPONSE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 2, 2007

Sir:

***Paper Copy, Amendment, CRF and Statement for Sequence Listing
(Not Required)***

In response to the Notification of Defective Response dated July 5, 2007, applicants note that the Notification was issued improperly. The Notification was issued on the basis that the requirement for submission of a Paper Copy, Amendment, CRF and Statement for a Sequence Listing set forth in the Notification of Missing Requirements dated January 16, 2007, has not been completed by the response filed February 15, 2007.

THE SUBJECT APPLICATION DOES NOT CONTAIN A "SEQUENCE LISTING" DISCLOSURE. Therefore, submission of a Paper Copy, Amendment, CRF

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RESPONSE TO AND REQUEST FOR WITHDRAWAL OF
NOTIFICATION OF DEFECTIVE RESPONSE

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and Statement for a Sequence Listing is not required. The Response filed February 15, 2007, is not defective and properly responds to all requirements set forth in the Notification of Missing Requirements.

In the Response filed February 15, 2007, applicants clearly noted that the subject application does not contain a "Sequence Listing" disclosure and that submission of a Paper Copy, Amendment, CRF and Statement for a Sequence Listing is not required. (see section "Paper Copy, Amendment, CRF and Statement for Sequence Listing (Not Required)"). For Office convenience, a copy of the response filed February 15, 2007, with the pertinent portion marked is attached hereto.

Conclusion

As stated above, the Response to Notification of Missing Requirements filed February 15, 2007, is not defective. The Notification of Missing Requirements dated July 5, 2007, was issued in error. All of the requirements for acceptance under 35 U.S.C. §371 were satisfied by the Response filed February 15, 2007. Applicants request that the Notification of Defective Response be withdrawn and that the office issue a notice advising that the requirements for acceptance under 35 U.S.C. §371 were completed on February 15, 2007.

All 371 requirements were completed on February 15, 2007. Therefore, the Office should assign a 371(c) date of February 15, 2007. It is improper for the Office to assign a 371(c) date other than February 15, 2007, e.g., the date of filing of the present paper.

A Filing Receipt is also respectfully requested for this application.

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RESPONSE TO AND REQUEST FOR WITHDRAWAL OF
NOTIFICATION OF DEFECTIVE RESPONSE

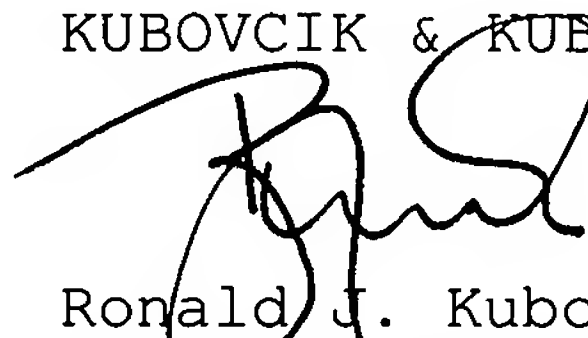
PATENT

A copy of the Notification of Defective Response is attached hereto.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833. Please charge any additional required fees or credit any overpayment to our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik
Reg. No. 25,401

Atty. Docket No. PIR-124
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900 17th Street, N.W.
Washington, D.C. 20006
Tel: 202-887-9023
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RJK/JBF

Enclosures: Copy of Response to Notification of Missing
Requirements filed February 15, 2007
Notification of Defective Response

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Matti KORPELA et al.

U.S. Serial Number: 10/576,298

Entered U.S. National Stage: April 19, 2006

International Application No. PCT/IB04/03432

I.A. Filing Date: October 20, 2004

Dkt. No. : PIR-124

Cust. No. : 20374

COPY

RESPONSE TO NOTICE OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 15, 2007

Sir:

In response to the notice of missing requirements dated January 16, 2007, applicants are submitting herewith a copy of the original, signed declaration for the above-identified application and a form PTO-2038 in the amount of \$130.00 for payment of the surcharge for late filing of the Declaration.

*Paper Copy, Amendment, CRF and Statement for Sequence Listing
(Not Required)*

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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

PATENT

In response to the notice of missing requirements dated January 16, 2007, applicants note that the Notification was issued improperly. The present application does not contain any nucleotide and/or amino acid sequence disclosure. Therefore, the present application does not require a separate paper copy of a sequence listing, an amendment to the specification entering the sequence, a CRF of a sequence or a statement to the identity of the paper copy and CRF.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833. Please charge any additional required fees or credit any overpayment to our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Keiko Tanaka Kubovcik
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KTK/jjk

Enclosures: Copy of Declaration
Notification of Missing Requirements
PTO-2038 for \$130.00



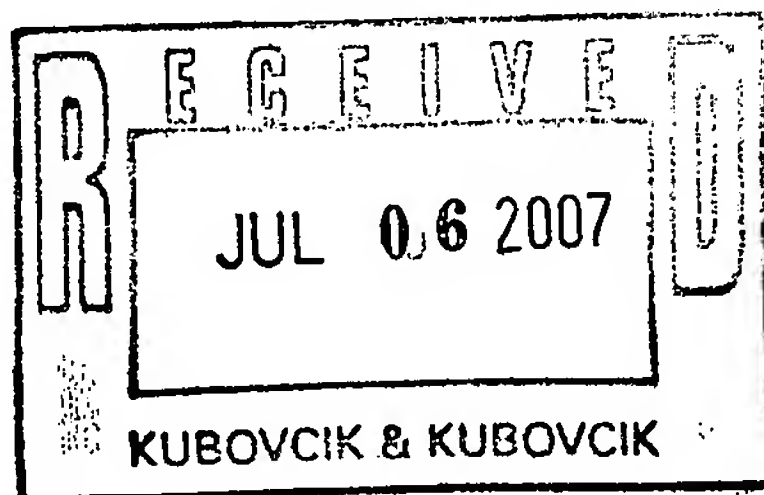
UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/576,298	Matti Korpela	PIR-124

20374
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INTERNATIONAL APPLICATION NO.

PCT/IB04/03432

I.A. FILING DATE

10/20/2004

PRIORITY DATE

10/20/2003

CONFIRMATION NO. 4454

371 FORMALITIES LETTER



OC000000024671944

Date Mailed: 07/05/2007

Due 8/5/07

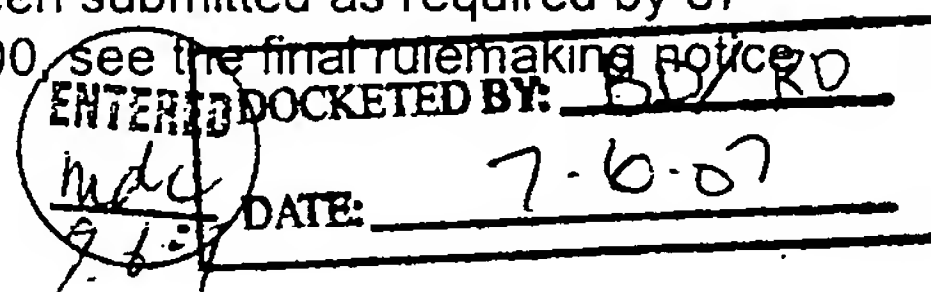
NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 04/19/2006
- Copy of the International Search Report filed on 04/19/2006
- Copy of IPE Report filed on 04/19/2006
- Copy of Annexes to the IPER filed on 04/19/2006
- Copy of Article 19 Amendments filed on 04/19/2006
- Preliminary Amendments filed on 04/19/2006
- Oath or Declaration filed on 02/15/2007
- U.S. Basic National Fees filed on 04/19/2006
- Assignment filed on 02/15/2007
- Priority Documents filed on 04/19/2006
- Specification filed on 04/19/2006
- Claims filed on 04/19/2006
- Abstracts filed on 04/19/2006
- Drawings filed on 04/19/2006

Applicant's response filed 02/15/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/16/2007 have not been completed.

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice



published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

DIANE L SMITH

Telephone: (703) 308-9290 EXT 121

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/576,298	PCT/IB04/03432	PIR-124